

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

LAWRENCE SCHUSTER, Register No. 532526,)	
)	
Plaintiff,)	
)	
v.)	No. 07-4102-CV-C-NKL
)	
LARRY CRAWFORD, Director, et al.,)	
)	
Defendants.)	

REPORT, RECOMMENDATION AND ORDER

Plaintiff Lawrence Schuster, an inmate confined in a Missouri penal institution, brought this case under the Civil Rights Act of 1871, 42 U.S.C. § 1983, and its corresponding jurisdictional statute, 28 U.S.C. § 1343. Plaintiff has now filed a motion to dismiss his claims, without prejudice. Defendants have not filed opposition to the motion.¹ Schuster's motion also requests that the filing fee imposed by the court be waived.

Upon review, the court finds that plaintiff Schuster may have been misled by other plaintiffs who have since withdrawn from the case. On this occasion only, the court will waive the unpaid portion of the filing fee.

IT IS, THEREFORE, ORDERED that plaintiff's request for waiver of the filing fee is granted. [36] It is further

ORDERED that the Missouri Department of Corrections cease forwarding funds from plaintiff's account for the payment of the filing fee in this case. It is further

ORDERED that the clerk of court forward a copy of this order to the Office of the Treasurer with the Department of Corrections. It is further

RECOMMENDED that plaintiff Schuster's claims be dismissed, without prejudice. [36] It is further

¹This case was referred to the undersigned United States Magistrate Judge for processing in accord with the Magistrate Act, 28 U.S.C. § 636, and L.R. 72.1.

RECOMMENDED that defendants' motion to dismiss Schuster's claims be denied, without prejudice, as moot. [38]

Under 28 U.S.C. § 636(b)(1), the parties may make specific written exceptions to this recommendation within twenty days. The District Judge will consider only exceptions to the specific proposed findings and recommendations of this report. Exceptions should not include matters outside of the report and recommendation. Other matters should be addressed in a separate pleading for consideration by the Magistrate Judge.

The statute provides for exceptions to be filed within ten days of the service of the report and recommendation. The court has extended that time to twenty days, and thus, additional time to file exceptions will not be granted unless there are exceptional circumstances. Failure to make specific written exceptions to this report and recommendation will result in a waiver of the right to appeal. See L.R. 74.1(a)(2).

Dated this 9th day of June, 2008, at Jefferson City, Missouri.

/s/ William A. Knox

WILLIAM A. KNOX
United States Magistrate Judge